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UNCLAS SECTION 01 OF 03 NIAMEY 000554

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SUBJECT: Niger: Five Day Countdown to Referendum

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d) Niamey 503 e) Niamey 507 f) Niamey 504  
g) Niamey 515 h) Niamey 517 i) Niamey 520  
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#### Tensions Mount in Lead-up to August 4 Referendum

1. Over the month of July, a series of circumstances have contributed to rising levels of tension in Niger in the pre-August 4 referendum period. The referendum, deemed unconstitutional three times by the former Constitutional Court (refs A and B), would be a national vote to approve a new constitution permitting the administration of President Tandja to remain in office an additional three years, dropping presidential term limits, and adding a second legislative chamber. Key events so far in July include the following:

-- July 1 - The Front for the Defense of Democracy (FDD), a civil society organization, holds a strike in Niamey to protest the dissolution of the Constitutional Court (ref C);

-- July 1 - The White House releases a Statement by the Press Secretary on Niger, which notes U.S. concern about actions by President Tandja to rule by ordinance and decree and to dissolve the National Assembly and the Constitutional Court to retain power beyond his constitutionally-limited mandate. The Statement adds that these decisions undermine the advancement of good governance and the rule of law;

-- July 2 - President Tandja announces a new Constitutional Court to replace the one he dissolved earlier and announces his intention to hold a referendum to adopt a new constitution (ref D);

-- July 2 - Marou Amadou, FDD spokesperson, FUSAD (United Front for the Safeguarding of Democratic Achievements) president, and CENI member, is released from police custody after being detained for several days for provoking and demoralizing the security and defense forces (ref D);

-- July 3 - The GON announces that the referendum will be held on August 4 (ref D). The judiciary permits Dounia to resume radio and television broadcasting, following the June 29 order by the High Council for Communications (CSC) Chairperson to cease (ref E);

-- July 4 - Marou Amadou, FDD spokesperson and FUSAD president, resigns from CENI (ref D);

-- July 5 - Thousands participate in a rally held by FDD in Niamey (ref F);

-- July 5 - French President Sarkozy states that the political situation in Niger is "both worrying and disappointing." He added that democracy and the institutions of governance in Niger are "directly threatened today";

-- July 6 - The deputy president of Niger's Independent National Commission on Elections (CENI) resigned in protest against the referendum;

-- July 7 - Minister of Communication and Government Spokesperson Mohammed Ben Omar states the constitutional referendum is aimed at "re-establishing democracy";

-- July 8 - 15 opposition members resigned from CENI in protest against the body's refusal to accept the ruling of the Constitutional Court barring the August 4 referendum;

-- July 8 - President Tandja issues a decree empowering the chair of the CSC to "take every preventive measure without formal notice" against any media outlet deemed to undermine state security or public order (ref G);

-- July 9 - Rebel leader Rhissa Ag Boula of the Front of Forces for Rectification (FFR) warns that violence would be used to disrupt the referendum, including a threat that voters would be beaten and polling boxes burned;

-- July 10 - The FDD called on President Tandja to depart from office, stating that his "multiple perjury besmirches presidential functions." The FDD also demanded the annulment of the referendum, the re-establishment of the constitutional court, and a "return to

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constitutional legality." Finally, the FDD declared that President Tandja should be charged with "high treason for breaking his oath of office";

-- July 11 - European Commissioner for Development and Humanitarian Aid Louis Michel states that the EU had written to President Tandja to advise that it had decided to "postpone" a budgetary support payment to Niger due to unsatisfactory governance;

-- July 12 - President Tandja launches the August 4 referendum campaign. Cabinet members are dispatched to the regions to inform the public regarding the new constitution and to encourage a "yes" vote (ref H);

-- July 12 - The Council of the Nigerien Bar Association holds a 24-hour strike to protest the dissolution of the Constitutional Court (ref I);

-- July 13 - Private media outlets announced they would observe a print media blackout from July 20 - 26 and a radio and television news blackout on July 21 in response to increased governmental powers of enforcement over their operations. This impacts roughly 60 publications, 23 radio, and four television stations (ref J);

-- July 15 - Security forces use batons and tear gas to break up a rally held by a group of women activists associated with the FDD demonstrating in support of the dissolved Constitutional Court and its former president (ref K);

-- July 16 - Opposition leader Mahamadou Issoufou states that those aligned against the August 4 referendum would "intensify" their efforts to "prevent the referendum from taking place;"

-- July 17 - An anti-referendum conference being held in Zinder is interrupted by pro-Tazartche youths (Note: "Tazartche" is Hausa for "let it continue," representing the efforts of those supporting an extension of President Tandja's presidency. End note.) The event's organizers vow to continue to hold like events notwithstanding (ref L);

-- July 17 - Minister of Communication and Government Spokesperson Mohammed Ben Omar states Niger hoped to "get rid of foreign aid" to protect its "sovereignty";

-- July 18 - Trade union confederations, opposition political parties, and civil society organizations against the referendum form an umbrella grouping, the Coordination of Forces for Democracy and the Republic (CFDR)(ref L);

-- July 18 - Security forces detain Niger Party for Democracy and Socialism (PNDS) member Alassane Karfi for questioning following his July 17 remarks on opposing the August 4 referendum made on Dounia Television;

-- July 19 - Security forces transfer Karfi to Koutoukale maximum security prison based on the orders of the public prosecutor;

-- July 20-21 - A high-level delegation from the UN, AU, and ECOWAS meets on July 20 with the Prime Minister, pro-Tazartche groups, and anti-referendum groups and on July 21 with President Tandja. President Tandja states that he responds to "the Nigerien people and not the international community" (ref M);

-- July 20 - The Inter-Union of Nigerien Workers (ITN), an association of the nation's seven labor confederations, notifies the government of its intention to hold a 48-hour strike to commence on July 23 in opposition to the referendum (ref N);

-- July 21 - Security forces detain former Foreign Minister, National Assembly Deputy, and Deputy Chairperson of the Niger Party for Democracy and Socialism (PNDS) Bazoum Mohamed and question him regarding his participation in opposition efforts to organize a boycott of the August referendum;

-- July 22 - The government requests the judiciary to ban the ITN's planned strike. That evening, a Niamey court rules the threatened strike to be illegal (ref N);

-- July 22 - Calling for a boycott, the FDD states it was ready to "prevent" the holding of the August 4 referendum;

-- July 23 - Minister of Communication and Government Spokesperson

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Ben Omar states that the strike had been declared illegal because its motives were not "proper labor demands, but purely political" (ref N);

-- July 23 - President Tandja holds a press conference for 26 journalists from West Africa during which he states that he served Niger, not "international opinion." He adds that western heads of state cannot stop Niger from having a referendum, and notes that, "Barack Obama has come a long way; he may say what he likes, but I prefer to leave it at that." President Tandja adds that he "would be betraying my Koranic oath to the people if I refuse to take the hand the people have stretched out to me for a third term." (Comment: This occurred despite his 1999 and 2004 Koranic oaths to uphold the Constitution, which specifically states that the article addressing presidential term limits cannot be amended. End comment.);

-- July 23 - The mayor of Niamey's Commune III refuses to grant a rally permit to opposition forces who wish to demonstrate on July 26. Opposition representatives declare that they reserved the right to protest with or without rally permits through the referendum period. Nonetheless, a pro-referendum rally under the auspices of the First Lady takes place in Niamey on July 25;

-- July 24 - The CFDR lodges a complaint against the President and executive members of CENI for their "engagement to organize the constitutional referendum on August 4 that was ruled illegal by the Constitutional Court." The CFDR further states that "other complaints will soon be lodged against CENI members at the local, district, and regional levels;"

-- July 24 - Opposition representatives again state that they would

hold demonstrations whether or not the government issued permits, and would continue to protest up to and beyond August 4;

-- July 24 - A delegation from the International Organization of the Francophonie led by former Burundian President Buyoya meets with President Tandja and presents him with a personal message from Francophonie President and former President of Senegal Abdou Diouf;

-- July 27 - Representatives of eight West African NGOs meet separately with pro and anti-Tazartche political parties and civil society organizations. They call on President Tandja to reconsider his referendum plans, but are not able to meet with him. The NGOs state that they would present a report and advocate for additional pressure with ECOWAS leaders;

-- July 27 - According to a posting on the Tamtam Information website, the Belgian minister of development stated that his government is reviewing the possibility of suspending bilateral aid to Niger in response to concerns at political developments underway;

-- July 29 - In an interview with Radio France Internationale, Minister of Communication and Government Spokesperson Ben Omar states that President Tandja is ready to "face the consequences" should the August 4 referendum result in a "no" vote; and

-- July 30 - The ITN launches a strike in Niamey that had been delayed from July 23-24 when the judiciary ruled it illegal. Although there is evidence that some workers went on strike, particularly in banks and government offices, the impact appears to be limited.

Comment:

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12. Although the referendum issue has created considerable dissatisfaction among opposition political parties, labor unions, and civil society, it does not appear that tensions will boil over. The major reason is that even though many object to the referendum and believe that President Tandja has taken a series of misguided, anti-democratic, extra-constitutional steps, he remains widely regarded as the nation's legitimate leader for the time being. The real test, it seems, will come later in the year, particularly following December 22, which would be the end of President Tandja's second term of office under the 1999 constitution. If the referendum passes, however, there will be a new republic and he will have gained a three-year extension in office.

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